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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,847	04/12/2001	B.C. Hornady	HORNADY-2	2215

7590 06/19/2002

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EXAMINER

GUTMAN, HILARY L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/833,847

Applicant(s)
Hornady

Examiner
Hilary Gutman

Art Unit
3612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-8, 13, and 14 is/are allowed.
- 6) ☒ Claim(s) 1-3, 9-12, 15, and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Apr 12, 2001 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “plurality of spring loaded locking mechanisms” of claim 11, the “plurality of snap shackles” of claim 12, and the “safety cable” of claim 14 must all be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Specification

✓ 3. The abstract of the disclosure is objected to because: “comprises” on line 3 is legal terminology and is improper for the abstract. Correction is required. See MPEP § 608.01(b).

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Claim Objections

4. Claims 1-2 and 13 are objected to because of the following informalities:

- ✓ In claim 1, a semi-colon should be inserted after "track" on line 2.
- ✓ In claim 2, line 2, "track;" should be "track."
- ✓ In claim 13, "himself" is improper language and should be modified.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

✓ Claim 3 recites the limitation "its axis" in line 1. There is insufficient antecedent basis for this limitation in the claim.

⇒ Claim 14 recites the limitation "said means". There is insufficient antecedent basis for this limitation in the claim.

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Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3 and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by JP '573.

Re claims 1-3, JP '573 discloses an apparatus for covering payloads 3, the apparatus comprising: a suspended track 59, a hoist 15, 17, slidably engaged to the track, the hoist having a retractable line, generally 19; a spreader bar 13 attachable to the retractable line, the bar 13 having means 23 for attaching to a covering 21; and means (not shown, but inherent) to move the hoist. JP' 573 further discloses a rod 25 that traverses beneath the track. The rod is inherently rotatable about its axis.

Re claims 15-16, JP '573 discloses an apparatus for covering a payload 3, the apparatus comprising a movable hoist 15, 17 slidably suspended over the payload, the hoist having a retractable line, generally 19, that can be connected to a covering 21 to be spread over the payload. JP '573 further discloses the apparatus comprising: a spreader bar 13 that connects to the covering and to the retractable line; and a means 25 to support the trailing portion of the covering as the covering is pulled over the payload by the hoist.

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Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '573 in view of Stewart '028.

JP '573 does not specifically disclose the means to move the hoist and specifically lacks the means to move the hoist comprising an electronically operable remote controlled system.

Stewart '028 discloses an apparatus for load handling, the apparatus comprising: a suspended track, a hoist slidably engaged to the track; and means 96, 97 to move the hoist. The means to move the hoist comprise an electronically operable remote controlled system. In addition, the apparatus further comprises a guide 97 extending laterally from the hoist; and a wire (not numbered but seen in Figures 1 and 3) connected at one end to the hoist, running along the guide, and connected at the other end to the remote controlled system 96.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided an electronically operable remote controlled system, guide, and wire, as taught by Stewart '028, in place of the means of JP '573 in order to allow an operator to easily move the hoist while remaining a distance away from the hoist thereby remaining safe.

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11. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '573 in view of Carlsson.

JP '573 discloses the means for attaching to a covering comprises a hanging fixture 23 and more specifically a plurality of hanging fixtures 23 (Figure 4) but does not specifically disclose the hanging fixtures being a plurality of spring loaded locking mechanisms or snap shackles.

Carlsson discloses a snap shackle. A user can easily and conveniently operate this snap shackle with one hand and the snap shackle is not complicated, heavy, or expensive to produce.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used spring loaded locking mechanisms or snap shackles as taught by Carlsson in place of the hanging fixtures of JP '573 in order to allow a user to easily operate the snap shackle with one hand thereby providing the user one hand to hold on to something during the operation of the shackle.

Allowable Subject Matter

12. Claims 4-8 and 13-14 are allowed.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show other apparatus for covering payloads similar to that of the current invention.

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14. Any inquiry concerning this communication from the examiner should be directed to Hilary L. Gutman whose telephone number is (703) 305-0496.

15. **Any response to this action should be mailed to:**

Assistant Commissioner for Patents

Washington, D.C. 20231

or faxed to:

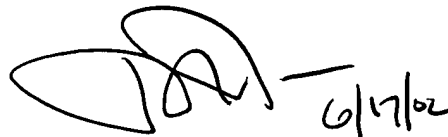
(703) 305-3597, (for formal communications intended for entry)

or:

(703) 305-0285, (for informal or draft communications, please clearly label "PROPOSED" or "DRAFT").

hlg

June 14, 2002



D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600